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*mailing address:
G. Byron Stover, Esq.
Patent Advisor
USDA-ARS-OTT
5601 Sunnyside Ave.
Room 4-1182
Beltsville, MD 20705
byron.stover@nps.ars.usda.gov*

Fax Transmittal Sheet

From: G. Byron Stover; phone 301-504-4783, fax 301-504-5060
To: Examiner D.P. Stitzel (Group 1616) Fax # (571) 273-8300
RE: Serial No. 10/828,802
Date: 14 April 2006 **Pages:** 5 including cover page

Enclosed is a response to an Office Action. Entry of said response is respectfully requested.

[X] Reply To Requirement For Election Of Species (4 pages)

[X] Certificate of Transmission (1 page)

CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the attached Reply To Requirement For Election Of Species was this day, 14 April 2006, filed in the U.S. Patent and Trademark Office via facsimile to facsimile number 571-273-8300.

Total pages: 5

A handwritten signature in cursive script that reads "G. Byron Stover".

G. Byron Stover

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Erin N. Roskopf et al.

Serial No.: 10/828,802

Examiner: D.P. Stitzel

Filed: 20 April 2004

Group Art Unit: 1616

For: Methods of Reducing Pests By Use of Iodoacetic Acid, Bromoacetic Acid,
2-Iodoacetamide, or 2-Bromoacetamide

REPLY TO REQUIREMENT FOR ELECTION OF SPECIES

Mail Stop _____
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action dated 24 March 2006, Applicants hereby elect for searching purposes only the species of bromoacetic acid. Claims readable thereon include claims 1-13 and 15.

It is respectfully pointed out that, according to MPEP Section 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the examiner if restriction is not required.

In the instant application, it is believed that a search for a method for reducing pests in an object or area using bromoacetic acid would simultaneously encompass a search for other halogenated compounds (i.e., iodoacetic acid, 2-iodoacetamide, 2-bromoacetamide) used in a method for reducing pests in an object or area. One of ordinary skill in the art would not limit the

experiments to a particular halogenated compound but would try various sources of halogenated compounds (i.e., iodoacetic acid, 2-iodoacetamide, 2-bromoacetamide) and/or combinations and report this in any paper or patent application. Therefore, there would be no serious burden on the Examiner to search for the various sources of halogenated compounds since a search for one halogenated compound (i.e., bromoacetic acid) could be expected to be found in the same reference as that disclosing another similar halogenated compound (i.e., iodoacetic acid, 2-iodoacetamide, 2-bromoacetamide).

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising all species of the halogenated compounds.

Applicants hereby elect for searching purposes only the species of weeds. Claims readable thereon include claims 1, 2, and 9-17.

In the instant application, it is believed that a search for a method for reducing weeds in an object or area would simultaneously encompass a search for other pests (i.e., fungi, insects, nematodes, bacteria) involved in a method for reducing pests in an object or area. One of ordinary skill in the art would not limit the experiments to a particular pest but would try various pests (i.e., fungi, insects, nematodes, bacteria) and/or combinations and report this in any paper or patent application. Therefore, there would be no serious burden on the Examiner to search for the various pests since a search for one pest (i.e., weeds) could be expected to be found in the same reference as that disclosing another pest (i.e., fungi, insects, nematodes, bacteria).

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising all species of the pests.

Applicants hereby elect for searching purposes only the sub-species of *Cyperus rotundus*.
Claims readable thereon include claims 1, 2, and 9-17.

In the instant application, it is believed that a search for a method for reducing the weed *Cyperus rotundus* in an object or area would simultaneously encompass a search for other weeds (i.e., *Amaranthus hybridus*, *Echinochloa crus-galli*) involved in a method for reducing weeds in an object or area. One of ordinary skill in the art would not limit the experiments to a particular weed but would try various weeds (i.e., *Amaranthus hybridus*, *Echinochloa crus-galli*) and/or combinations and report this in any paper or patent application. Therefore, there would be no serious burden on the Examiner to search for the various weeds since a search for one weed (i.e., *Cyperus rotundus*) could be expected to be found in the same reference as that disclosing another weed (i.e., *Amaranthus hybridus*, *Echinochloa crus-galli*).

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising all sub-species of the weeds.

In the event that there are any questions relating to the application in general, it is respectfully requested that the undersigned be contacted so that prosecution of this application can be expedited.

Respectfully submitted,

By: G. Byron Stover
G. Byron Stover
PTO Reg. No. 34,737
USDA-ARS-OTT
5601 Sunnyside Ave.
Room 4-1182
Beltsville, MD 20705-5131
Telephone: (301)504-4783

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